

IN THE CIRCUIT COURT OF THE 21ST JUDICIAL DISTRICT OF
ISABELLA COUNTY, MICHIGAN

TODD L. LEVITT,	)	
	)	
Plaintiff,	)	
v.	)	Case No. 15-12317-NZ
	)	
DIGITAL FIRST MEDIA, a corporate entity,	)	
THE MORNING SUN, a subsidiary of Digital	)	
First Media, LISA YANICK-JONAITIS,	)	
GORDON M. BLOEM, KENNETH JAMES	)	
SANNEY, JAMES MARTIN FELTON, and	)	
JOHN and/or JANE DOES 1 through 5, all	)	
whose names are unknown,	)	
	)	
Defendants.	)	

ANSWER

Comes now *Pro Se* Defendant, KENNETH JAMES SANNEY (Defendant), in response to the Complaint filed against him in this matter and states as follows:

Plaintiff's Introduction contains no allegations that require an answer. If an answer is required of any statements in Plaintiff's Introduction, all allegations are hereby denied as fully as if set forth herein and strict proof is demanded.

1. Upon information and belief, Paragraph 1 of the Complaint is answered as follows: Defendant admits that Plaintiff and Defendants Bloem, Sanney, and Felton are residents of Isabella County, Michigan. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 1, and therefore same are denied and strict proof is demanded.

2. Paragraph 2 of the Complaint is denied and strict proof is demanded. Many of the incidents complained of in the Plaintiff's complaint are denied in whole or in

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part infra; therefore, an admission of this allegation would be inconsistent to the specific denials of allegations infra.

3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3, and therefore same are denied and strict proof is demanded. Defendant affirmatively avers that Plaintiff knew of the Twitter account titled Todd Levitt 2.0.

4. Paragraph 4 of the Complaint is answered as follows: admitted that the Twitter account was titled “Todd Levitt 2.0.” Denied that said Twitter account portrayed Plaintiff in a mocking and negative light and strict proof is demanded. Affirmatively aver that the Twitter account titled “Todd Levitt 2.0” portrayed Todd Levitt (hereinafter “Plaintiff”) accurately and satirically.

5. Paragraph 5 of the Complaint is denied and strict proof is demanded. Plaintiff’s did not bring the June 2, 2014 civil action titled Todd Levitt and Levitt Law Firm, P.C. v. Zach Felton, Case No. 14-11644-NZ, against Zach Felton “essentially” for the purposes of seeking an injunction. Affirmatively aver that said civil action sought monetary damages in excess of \$25,000.

6. Upon information and belief Paragraph 6 of the Complaint is admitted.

7. Paragraph 7 of the Complaint contains no allegations that require an answer. If an answer is required of any statements in Paragraph 7 of the Complaint, all such statements are hereby denied as fully as if set forth herein and strict proof is demanded.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint, and therefore

same are denied and strict proof is demanded. Defendant affirmatively avers that Plaintiff knew of the Twitter account titled Todd Levitt 2.0.

9. Paragraph 9 of the Complaint is answered as follows: admitted that the Twitter account was titled “Todd Levitt 2.0.” Denied that said Twitter account portrayed Plaintiff in a mocking and negative light and strict proof is demanded. Affirmatively aver that the Twitter account titled “Todd Levitt 2.0” portrayed Plaintiff accurately and satirically.

10. Paragraph 10 of the Complaint is denied and strict proof is demanded. Plaintiff’s civil action against the person who allegedly established the Twitter account titled “Todd Levitt 2.0” was not sued “essentially” for the purposes of seeking an injunction. Said civil action sought monetary damages in excess of \$25,000.

11. Upon information and belief, Paragraph 11 of the Complaint is admitted.

12. Paragraph 12 of the Complaint contains no allegations that require an answer because Paragraph 12 of the complaint contains only conclusions of law and not an allegation of fact. If an answer is required of any statements in Paragraph 12 of the Complaint, all such statements, weather of law or fact, are hereby denied as fully as if set forth herein and strict proof is demanded. Affirmatively aver that Plaintiff hosts a radio show in Mount Pleasant, Michigan, has marketed himself as an actor, and has made himself a “limited public figure” by engaging in sustained actions that generate publicity about legal issues and higher education in Mid-Michigan.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint, and therefore same are denied and strict proof is demanded.

14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 or its subparagraphs “a” through “d” of the Complaint, and therefore same are denied and strict proof is demanded.

15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Complaint, and therefore same are denied and strict proof is demanded.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Complaint, and therefore same are denied and strict proof is demanded.

17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the Complaint, and therefore same are denied and strict proof is demanded.

18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of the Complaint, and therefore same are denied and strict proof is demanded.

19. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Complaint, and therefore same are denied and strict proof is demanded.

20. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint, and therefore same are denied and strict proof is demanded.

21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of the Complaint, and therefore same are denied and strict proof is demanded.

22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint, and therefore same are denied and strict proof is demanded.

23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the Complaint, and therefore same are denied and strict proof is demanded.

24. Paragraph 24 of the Complaint contains no allegations that require an answer. If an answer is required of any statements in Paragraph 24 of the Complaint, all such statements are hereby denied as fully as if set forth herein and strict proof is demanded.

25. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Complaint, and therefore same are denied and strict proof is demanded.

26. Paragraph 26 of the Complaint contains no allegations that require an answer because Paragraph 26 of the complaint contains only conclusions of law and not an allegation of fact. If an answer is required of any statements in Paragraph 26 of the Complaint, all such statements, weather of law or fact, are hereby denied as fully as if set forth herein and strict proof is demanded.

27. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of the Complaint, and therefore same are denied and strict proof is demanded.

28. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of the Complaint, and therefore same are denied and strict proof is demanded.

29. Paragraph 29 of the Complaint contains no allegations that require an answer. If an answer is required of any statements in Paragraph 29 of the Complaint, all such statements are hereby denied as fully as if set forth herein and strict proof is demanded.

30. Paragraph 30 of the Complaint is denied and strict proof is demanded. Defendant never entered into a conspiracy to defame and harm Plaintiff.

31. Paragraph 31 of the Complaint is denied and strict proof is demanded. Defendant never entered into a conspiracy to defame and harm Plaintiff.

32. Paragraph 32 of the Complaint is denied and strict proof is demanded. Defendant never entered into a conspiracy to defame and harm Plaintiff.

33. Paragraph 33 of the Complaint is denied and strict proof is demanded. Defendant never entered into a conspiracy to defame and harm Plaintiff. Affirmatively aver that Plaintiff had a poor reputation in the community, due to his own actions, well before the timeframe of Plaintiff's allegations.

34. Paragraph 34 of the Complaint is answered as follows: Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding Defendants Morning Sun and Yanick-Jonaitis's actions and intent

as contained in Paragraph 34 of the Complaint, and therefore same are denied and strict proof is demanded. All remaining allegations of Paragraph 34 of the Complaint contain no allegations that require an answer because the remaining allegation contain a prayer for relief and conclusions of law and not an allegation of fact. If an answer is required of any statements in Paragraph 34 of the Complaint, all such statements, weather of law or fact, are hereby denied as fully as if set forth herein and strict proof is demanded.

35. Paragraph 35 of the Complaint is denied and strict proof is demanded. Defendant never entered into a conspiracy to defame and harm Plaintiff.

36. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of the Complaint, and therefore same are denied and strict proof is demanded.

37. Paragraph 37 of the Complaint is denied and strict proof is demanded. Defendant never entered into a conspiracy to defame and harm Plaintiff.

38. Paragraph 38 of the Complaint is denied and strict proof is demanded. Defendant never entered into a conspiracy to defame and harm Plaintiff.

39. Paragraph 39 of the Complaint is denied and strict proof is demanded. Defendant never entered into a conspiracy to defame and harm Plaintiff.

40. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of the Complaint, and therefore same are denied and strict proof is demanded.

41. Paragraph 41 of the Complaint contains no allegations that require an answer. If an answer is required of any statements in Paragraph 41 of the Complaint, all

such statements are hereby denied as fully as if set forth herein and strict proof is demanded.

42. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of the Complaint, and therefore same are denied and strict proof is demanded.

43. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 of the Complaint, and therefore same are denied and strict proof is demanded.

44. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of the Complaint, and therefore same are denied and strict proof is demanded.

45. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of the Complaint, and therefore same are denied and strict proof is demanded.

46. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of the Complaint, and therefore same are denied and strict proof is demanded.

47. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of the Complaint, and therefore same are denied and strict proof is demanded.

48. Paragraph 48 of the Complaint contains no allegations that require an answer. If an answer is required of any statements in Paragraph 48 of the Complaint, all

such statements are hereby denied as fully as if set forth herein and strict proof is demanded.

49. Paragraph 49 of the Complaint is admitted.

50. Paragraph 50 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 50 of the Complaint is unclear which litigation Plaintiff is referencing and who “he” is referencing. Paragraph 50 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of the Complaint, and therefore same are denied and strict proof is demanded.

51. Paragraph 51 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 51 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 51 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of the Complaint, and therefore same are denied and strict proof is demanded.

52. Paragraph 52 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014.

Paragraph 52 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 52 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of the Complaint, and therefore same are denied and strict proof is demanded.

53. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of the Complaint, and therefore same are denied and strict proof is demanded.

54. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of the Complaint, and therefore same are denied and strict proof is demanded.

55. Paragraph 55 of the Complaint is admitted.

56. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 of the Complaint, and therefore same are denied and strict proof is demanded.

57. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 of the Complaint, and therefore same are denied and strict proof is demanded.

58. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of the Complaint, and therefore same are denied and strict proof is demanded.

59. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of the Complaint, and therefore same are denied and strict proof is demanded.

60. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 of the Complaint, and therefore same are denied and strict proof is demanded.

61. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of the Complaint, and therefore same are denied and strict proof is demanded.

62. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 of the Complaint, and therefore same are denied and strict proof is demanded.

63. Paragraph 63 of the Complaint contains no allegations that require an answer. If an answer is required of any statements in Paragraph 63 of the Complaint, all such statements are hereby denied as fully as if set forth herein and strict proof is demanded.

64. Paragraph 64 of the Complaint is admitted.

65. Paragraph 65 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 65 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 65 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to

form a belief as to the truth of the allegations contained in Paragraph 65 of the Complaint, and therefore same are denied and strict proof is demanded.

66. Paragraph 66 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 66 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 66 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 of the Complaint, and therefore same are denied and strict proof is demanded.

67. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 of the Complaint, and therefore same are denied and strict proof is demanded.

68. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 of the Complaint, and therefore same are denied and strict proof is demanded.

69. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of the Complaint, and therefore same are denied and strict proof is demanded.

70. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of the Complaint, and therefore same are denied and strict proof is demanded.

71. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 of the Complaint, and therefore same are denied and strict proof is demanded.

72. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 of the Complaint, and therefore same are denied and strict proof is demanded.

73. Paragraph 73 of the Complaint contains no allegations that require an answer. If an answer is required of any statements in Paragraph 73 of the Complaint, all such statements are hereby denied as fully as if set forth herein and strict proof is demanded.

74. Paragraph 74 of the Complaint is admitted.

75. Paragraph 75 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 75 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 75 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 75 of the Complaint, and therefore same are denied and strict proof is demanded. If, in the alternative, Plaintiff is referencing the incident where Plaintiff assaulted Defendant on June 12, 2015, Defendant admits Paragraph 75.

76. Paragraph 76 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the

previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 76 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 76 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 of the Complaint, and therefore same are denied and strict proof is demanded. If, in the alternative, Plaintiff is referencing the incident where Plaintiff assaulted Defendant on June 12, 2015, Defendant admits that he called Plaintiff a “clown,” but denies that it was directed at Plaintiff. Defendant directed said statement to Defendant James Felton in a low tone as to avoid Plaintiff from hearing it.

77. Paragraph 77 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 77 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 77 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Furthermore, Paragraph 77 does not define which “men” Plaintiff is referencing. Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77 of the Complaint, and therefore same are denied and strict proof is demanded. If, in the alternative, Plaintiff is referencing the incident where Plaintiff assaulted Defendant on June 12, 2015, Defendant admits Paragraph 77.

78. Paragraph 78 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the

previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 78 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 78 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78 of the Complaint, and therefore same are denied and strict proof is demanded. If, in the alternative, Plaintiff is referencing the incident where Plaintiff assaulted Defendant on June 12, 2015, the Allegations of paragraph 78 are denied. Affirmatively aver that Defendant Felton pulled his phone out of his pocket, in front of both Defendant and Plaintiff, to begin recording the incident. Affirmatively aver that the recording was conducted by Defendant Felton in an open and obvious manner.

79. Paragraph 79 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 79 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 79 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 79 of the Complaint, and therefore same are denied and strict proof is demanded. If, in the alternative, Plaintiff is referencing the incident where Plaintiff assaulted Defendant on June 12, 2015, Defendant admits Paragraph 79.

80. Paragraph 80 of the Complaint is denied and strict proof is demanded. Defendant has never edited any recording.

81. Paragraph 81 of the Complaint is denied. Defendant has never uploaded any recording to a “sound cloud” nor facilitated or allowed the uploading of any recording to a “sound cloud.”

82. Paragraph 82 of the Complaint is denied and strict proof is demanded. Defendant has never posted anything on Reddit nor facilitated or allowed the posting of anything on Reddit.

83. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 83 of the Complaint, and therefore same are denied and strict proof is demanded.

84. Paragraph 84 of the Complaint is denied and strict proof is demanded. Defendant has never provided any recordings to the CM Life Newspaper.

85. Paragraph 85 of the Complaint is denied and strict proof is demanded. Defendant has never provided any recordings to the CM Life Newspaper nor has Defendant ever had the intent that any recordings of Defendant be published.

86. Paragraph 86 of the Complaint is denied and strict proof is demanded. Defendant has never provided any recordings to the CM Life Newspaper nor has Defendant ever had the intent that any recordings of Defendant be published.

87. Paragraph 87 of the Complaint is denied and strict proof is demanded. Defendant did not post any recording on CMU’s Reddit Account nor was Defendant involved with such actions. Affirmatively aver that, prior to the allegations in his complaint, Plaintiff had a poor reputation in the community based solely on Plaintiff’s own actions. Affirmatively aver that Plaintiff had resigned his position with CMU prior to any altercation with Defendant.

88. Paragraph 88 of the Complaint is denied and strict proof is demanded. Defendant did not conduct himself in a wrongful manner.

89. Paragraph 89 of the Complaint is denied and strict proof is demanded. Defendant did not conduct himself in a wrongful manner.

90. Paragraph 90 of the Complaint contains no allegations that require an answer. If an answer is required of any statements in Paragraph 90 of the Complaint, all such statements are hereby denied as fully as if set forth herein and strict proof is demanded.

91. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 91 of the Complaint, and therefore same are denied and strict proof is demanded.

92. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 92 of the Complaint, and therefore same are denied and strict proof is demanded.

93. Paragraph 93 of the Complaint is answered as follows: Defendant admits that Defendant is aware that Plaintiff was very active on social media websites as part of his law practice. Defendant is unaware of the allegation that this was successful and therefore is without knowledge or information sufficient to form a belief as to the truth of said allegation of success of that aspect of Plaintiff's law practice, and therefore same are denied and strict proof is demanded.

94. Paragraph 94 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014.

Paragraph 94 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 94 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94 of the Complaint, and therefore same are denied and strict proof is demanded. If, in the alternative, Plaintiff is referencing the June 2, 2014 civil action of Todd Levitt and Levitt Law Firm, P.C. v. Zach Felton, Case No. 14-11644-NZ, Defendant admits that he was aware of said lawsuit, but denies that he was a participant in the Twitter account “Todd Levitt 2.0” or any other aspect of the matter.

95. Paragraph 95 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 95 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 95 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 95 of the Complaint, and therefore same are denied and strict proof is demanded. If, in the alternative, Plaintiff is referencing the incident where Plaintiff assaulted Defendant on June 12, 2015, Defendant admits Paragraph 95.

96. Paragraph 96 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 96 of the Complaint is unclear which litigation Plaintiff is referencing.

Paragraph 96 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 96 of the Complaint, and therefore same are denied and strict proof is demanded. If, in the alternative, Plaintiff is referencing the incident where Plaintiff assaulted Defendant on June 12, 2015, Defendant admits that he called Plaintiff a “clown,” but denies that it was directed at Plaintiff. Defendant directed said statement to Defendant Felton in a low tone as to avoid Plaintiff from hearing it.

97. Paragraph 97 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 97 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 97 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Furthermore, Paragraph 97 does not define which “men” Plaintiff is referencing. Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 97 of the Complaint, and therefore same are denied and strict proof is demanded. If, in the alternative, Plaintiff is referencing the incident where Plaintiff assaulted Defendant on June 12, 2015, Defendant admits Paragraph 97.

98. Paragraph 98 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 98 of the Complaint is unclear which litigation Plaintiff is referencing.

Paragraph 98 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 98 of the Complaint, and therefore same are denied and strict proof is demanded. If, in the alternative, Plaintiff is referencing the incident where Plaintiff assaulted Defendant on June 12, 2015, the Allegations of paragraph 98 are denied. In front of both Defendant and Plaintiff, Defendant Felton pulled his phone out of his pocket to begin recording the incident. The recording was done in an open and obvious manner by Defendant Felton.

99. Paragraph 99 of the Complaint is answered as follows: Plaintiff references two lawsuits within the Complaint. The case at bar was filed on April 23, 2015, while the previous litigation Plaintiff references in his Complaint was filed on June 2, 2014. Paragraph 99 of the Complaint is unclear which litigation Plaintiff is referencing. Paragraph 99 of the Complaint is unclear and in violation of the pleading requirements of MCR 2.111 (2015). Thus, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 99 of the Complaint, and therefore same are denied and strict proof is demanded. If, in the alternative, Plaintiff is referencing the incident where Plaintiff assaulted Defendant on June 12, 2015, Defendant admits Paragraph 99.

100. Paragraph 100 of the Complaint is denied. Defendant has never edited any recording.

101. Paragraph 101 of the Complaint is denied. Defendant has never uploaded any recording to a “sound cloud” nor facilitated or allowed the uploading of any recording to a “sound cloud.”

102. Paragraph 102 of the Complaint is denied. Defendant has never posted anything on Reddit nor facilitated the posting of anything on Reddit.

103. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 103 of the Complaint, and therefore same are denied and strict proof is demanded.

104. Paragraph 104 of the Complaint is denied. Defendant has never posted anything on Reddit nor facilitated the posting of anything on Reddit.

105. Paragraph 105 of the Complaint is denied. Defendant has never provided any recordings to the CM Life Newspaper.

106. Paragraph 106 of the Complaint is denied. Defendant did not participate in the conduct described within Paragraph 106 of the Complaint nor did Defendant have any such intent as alleged in Paragraph 106 of the Complaint.

107. Paragraph 107 of the Complaint is answered as follows: regarding Plaintiff's business relationships or expectancy to represent CMU students, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 107 of the Complaint, and therefore same are denied and strict proof is demanded. Regarding Plaintiff's teaching position as an adjunct professor, the allegations of Paragraph 107 are denied. Affirmatively aver that Plaintiff had resigned his position at CMU prior to his assaulting Defendant on June 12, 2014.

108. Paragraph 108 of the Complaint is answered as follows: regarding Defendant Felton's knowledge, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 108 of the Complaint, and therefore same are denied and strict proof is demanded. Regarding

Defendant's knowledge, the allegations of Paragraph 108 are denied. Defendant had no such knowledge.

109. Paragraph 109 of the Complaint is answered as follows: regarding Defendant Felton's actions or intentions, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 109 of the Complaint, and therefore same are denied and strict proof is demanded. Regarding Defendant's actions or intentions, the allegations of Paragraph 109 of the Complaint are denied.

110. Paragraph 110 of the Complaint is answered as follows: regarding Defendant Felton's actions, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 110 of the Complaint, and therefore same are denied and strict proof is demanded. Regarding Defendant's actions, the allegations of Paragraph 110 of the Complaint are denied. Regarding the breach or termination of Plaintiff's expectancies, Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations contained in Paragraph 110 of the Complaint, and therefore same are denied and strict proof is demanded.

111. Paragraph 111 of the Complaint is answered as follows: regarding Defendant Felton's actions or intentions, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 111 of the Complaint, and therefore same are denied and strict proof is demanded. Regarding Defendant's actions or intentions, the allegations of Paragraph 111 of the Complaint are denied and strict proof is demanded.

112. Paragraph 112 of the Complaint is answered as follows: regarding Defendant Felton's actions or intentions, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 112 of the Complaint, and therefore same are denied and strict proof is demanded. Regarding Defendant's actions or intentions, the allegations of Paragraph 112 are denied.

113. Paragraph 113 of the Complaint is answered as follows: regarding Defendant Felton's actions or intentions, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 113 of the Complaint, and therefore same are denied and strict proof is demanded. Regarding Defendant's actions or intentions, the allegations of Paragraph 113 are denied and strict proof is demanded.

114. Paragraph 114 of the Complaint contains no allegations that require an answer. If an answer is required of any statements in Paragraph 114 of the Complaint, all such statements are hereby denied as fully as if set forth herein and strict proof is demanded.

115. Paragraph 115 of the Complaint is denied and strict proof is demanded. Defendant did not conspire with anyone regarding Plaintiff.

116. Paragraph 116 of the Complaint is denied and strict proof is demanded. Defendant never aided, abetted, or conspired with anyone regarding Plaintiff.

117. Paragraph 117 of the Complaint is answered as follows: Defendant denies that he provided a copy of any audio recordings to Defendant Bloem. Defendant admits that Defendant Felton provided a copy of the audio recording to Defendant Bloem.

118. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 113 of the Complaint, and therefore same are denied and strict proof is demanded.

119. Paragraph 119 of the Complaint is answered as follows: Defendant denies that he performed any “wrongful acts and things.” Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 119 of the Complaint, and therefore same are denied and strict proof is demanded.

120. Paragraph 120 of the Complaint is denied. Defendant is not a part of any conspiracy.

121. Paragraph 121 of the Complaint is answered as follows: regarding Defendant Felton’s actions or intentions, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 121 of the Complaint, and therefore same are denied and strict proof is demanded. Regarding Defendant’s actions or intentions, the allegations of Paragraph 121 are denied and strict proof is demanded.

122. Paragraph 122 of the Complaint is denied and strict proof is demanded. Defendant is not a party of any conspiracy.

123. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 123 of the Complaint, and therefore same are denied and strict proof is demanded.

124. Paragraph 124 of the Complaint is denied and strict proof is demanded.

125. Paragraph 125 of the Complaint is denied and strict proof is demanded.

126. Paragraph 126 of the Complaint is denied and strict proof is demanded.

127. Paragraph 127 of the Complaint is denied and strict proof is demanded.

128. Paragraph 128 of the Complaint contains no allegations that require an answer. If an answer is required of any statements in Paragraph 128 of the Complaint, all such statements are hereby denied as fully as if set forth herein and strict proof is demanded.

129. Paragraph 129 of the Complaint is denied and strict proof is demanded.

130. Paragraph 130 of the Complaint is denied and strict proof is demanded.

Defendant is not a party to any conspiracy.

131. Paragraph 131 of the Complaint is answered as follows: Defendant admits that Defendant Felton immediately provided a copy of the audio recording, made on June 12, 2014, of Plaintiff's assault on Defendant to Defendant Bloem. Defendant denies that he provided the recording to Defendant Bloem and strict proof of same is demanded. Defendant admits the remaining allegations of Paragraph 131 of the Complaint.

132. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 132 of the Complaint, and therefore same are denied and strict proof is demanded.

133. Paragraph 133 of the Complaint is denied and strict proof is demanded.

134. Paragraph 134 of the Complaint is denied and strict proof is demanded.

135. Paragraph 135 of the Complaint is answered as follows: Regarding the actions or intent of Defendant Bloem, Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in

Paragraph 135 of the Complaint, and therefore same are denied and strict proof is demanded.

136. Paragraph 136 of the Complaint is denied and strict proof is demanded.

137. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 137 of the Complaint, and therefore same are denied and strict proof is demanded.

138. Paragraph 138 of the Complaint is denied and strict proof is demanded.

139. Paragraph 139 of the Complaint is denied and strict proof is demanded.

140. Paragraph 140 of the Complaint is denied and strict proof is demanded.

141. Paragraph 141 of the Complaint is denied and strict proof is demanded.

142. Paragraph 142 of the Complaint contains no allegations that require an answer. If an answer is required of any statements in Paragraph 142 of the Complaint, all such statements are hereby denied as fully as if set forth herein and strict proof is demanded.

143. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 143 of the Complaint, and therefore same are denied and strict proof is demanded.

144. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 144 of the Complaint, and therefore same are denied and strict proof is demanded.

145. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 145 of the Complaint, and therefore same are denied and strict proof is demanded.

146. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 146 of the Complaint, and therefore same are denied and strict proof is demanded.

147. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 147 of the Complaint, and therefore same are denied and strict proof is demanded.

All allegations not admitted or denied are hereby denied as fully as if set forth herein and strict proof is demanded.

AFFIRMATIVE DEFENSE

1. Plaintiff has failed to state a claim upon which relief may be granted.
2. Plaintiff's claims against Defendant are barred by Michigan's wrongful-conduct rule in that Plaintiff's civil action is based, in whole or in part, on his own illegal conduct. See Hashem v. Les Stanford Oldsmobile, Inc., 266 Mich App 61, 89; 697 NW2d 558 (2005) (quoting Orzel v. Scott Drug Co., 449 Mich 550, 558; 537 NW2d 208 (1995)).

- a. On June 12, 2014, Plaintiff approached Defendant in an aggressive manner, yelled at Defendant, tried to goad Defendant into a physical altercation, invaded Defendant's space, called Defendant numerous derogatory names, and threatened Defendant. At the end of this verbal confrontation, Plaintiff shouted that he would see Defendant in court.

- b. Plaintiff's egregious behavior clearly demonstrated his desire to intimidate Defendant after Plaintiff had already identified Defendant as a witness

to the lawsuit of Todd L. Levitt and Levitt Law Firm, P.C. v. Zach Felton, Case No. 14-11644-NZ.

c. Plaintiff is a licensed attorney in the state of Michigan (Bar Number P49411) and is, therefore, subject to the Michigan Rules of Professional Conduct.

d. Plaintiff's assault on Defendant on June 12, 2014, violated MCL 750.122(8) (Witness Threat or Intimidation) and Rule 6.5(A) of the Michigan Rules of Professional Conduct, which states that "A lawyer shall treat with courtesy and respect all persons involved in the legal process."

JURY DEMAND

The Defendant, KENNETH JAMES SANNEY, demands a jury of twelve (12) to try all issues of fact in this cause.

COUNTER-COMPLAINT

And now, having fully answered, Defendant assumes the role of Counter-Plaintiff and states as follows:

1. Counter-Plaintiff, KENNETH JAMES SANNEY (hereinafter "Counter-Plaintiff), adopts the Counter-Defendant's, TODD L. LEVITT'S (hereinafter "Counter-Defendant), jurisdictional statement regarding Counter-Defendant's place of residence and incorporates said statement herein.

ASSAULT

2. At or around 12:40 p.m. on June 12, 2014, Counter Plaintiff was walking, with Dr. James Felton (hereinafter "Defendant Felton"), from his office at Sloan Hall on CMU's campus to Kaya Coffee House.

3. Counter-Plaintiff and Defendant Felton were walking on the sidewalk on the north side of East Bellows Street about to cross South Franklin Street.

4. Counter-Defendant was sitting on the stairs in front of his law office, located in the SBX Building, listening to music with ear-bud headphones, as Counter-Plaintiff and Defendant Felton crossed South Franklin Street.

5. When Counter-Defendant noticed Counter-Plaintiff and Defendant Felton approaching, Counter-Defendant stood up and stepped down the stairs to the last stair where he menacingly stared at Counter-Plaintiff as Counter-Plaintiff and Defendant Felton walked by.

6. Once Counter-Plaintiff and Defendant Felton reached approximately twenty feet past Counter-Defendant, Counter-Defendant began shouting “catch me if you can mother fuckers, catch me if you can mother fuckers. Well, I caught you mother fuckers and you’re going down!”

7. Counter-Defendant continued to verbally berate Counter-Plaintiff and Defendant Felton as Counter-Defendant began quickly approaching Counter-Plaintiff and Defendant Felton from behind.

8. Counter-Defendant approached Counter-Plaintiff and Defendant Felton quickly from behind, shouting obscenities and threats.

9. Counter-Plaintiff turned around and asked Counter-Defendant why he was calling Counter-Plaintiff and Defendant Felton foul names.

10. Counter-Defendant then zeroed in on Counter-Plaintiff and began calling Counter-Plaintiff a slew of foul names and insults.

11. At one point Counter-Defendant began reaching around his back as if to bring out a weapon.

12. Counter-Plaintiff asked Counter-Defendant why he was reaching behind his back and Counter-Defendant responded by stating “Because I’m not going to just hit you.”

13. Counter-Defendant kept stepping into Counter-Plaintiff’s personal space even after Counter-Plaintiff backed up and asked Counter-Defendant to stop.

14. At one point, Counter-Plaintiff did not move backward and Counter-Defendant came so close to Counter-Plaintiff’s face that their faces were almost touching.

15. Counter-Defendant remained in Counter-Plaintiff’s face for an extended time all the while insulting Counter-Plaintiff. Counter-Defendant refused to move out of Counter-Plaintiff’s space saying “it is a public sidewalk” and “I can stand anywhere I want.”

16. At one point, Counter-Defendant began stating to Counter-Plaintiff “come on and hit me, come on and hit me.”

17. Counter-Defendant then acknowledged the imminent peril that Counter-Plaintiff was feeling when Counter-Defendant began mocking Counter-Plaintiff by making fake sniffing sounds and saying that Counter-Plaintiff was going to cry.

18. Counter-Plaintiff wanted to walk away, but was afraid to turn his back on Counter-Defendant because Counter-Defendant was acting so threatening and out of control that Counter-Plaintiff was placed in imminent fear of bodily harm.

19. Counter-Plaintiff had a well-founded fear of imminent peril at the hands of Counter-Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of May, 2015, a true and correct copy of the foregoing has been forwarded to:

Hon. John J. Devine, Jr.
304 E. Broadway,
Suite 201
Mt. Pleasant, MI 48640
(989) 773-3333

By Method identified as follows:

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☐ Electronic Mail

Hon. Robin Luce Herrmann
Butzel Long, P.C.
41000 Woodward Avenue
Stoneridge West Building
Bloomfield Hills, MI 48304
(248) 593-3044

By Method identified as follows:

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☐ Electronic Mail

Hon. Jon S. Schrotenboer
Wheeler Upham, P.C.
250 Monroe Avenue NW, Suite 100
Grand Rapids, MI 49503
(616) 459-7100

By Method identified as follows:

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☐ Electronic Mail

20. Counter-Defendant had the apparent present ability to carry out an act of violence against Counter-Plaintiff. Such actions of Counter-Defendant were done with malice and in knowing and reckless disregard of Counter-Plaintiff's rights and wellbeing.

WHEREFORE, PREMISES CONSIDERED, COUNTER-PLAINTIFF PRAYS:

1. That proper process issue and that the Counter-Defendant, TODD L. LEVITT, be served and required to answer within the time prescribed by law.

2. That after a hearing the Counter-Plaintiff, KENNETH JAMES SANNEY, be awarded a judgment in his favor in both compensatory and exemplary damages against Counter-Defendant, TODD L. LEVITT, in an amount that adequately compensates Counter-Plaintiff for his damages and deters Counter-Defendant, TODD L. LEVITT, from such conduct in the future, together with reasonable costs and attorney fees.

3. For such other, further, different, and general relief to which Counter-Plaintiff, KENNETH JAMES SANNEY, may be entitled.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'K. J. Sanney', is written over a horizontal line.

Kenneth J. Sanney, *Pro Se*
415 East Chippewa Street
Mount Pleasant, Michigan 48858
(989) 774-4429